

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

<div style="display: flex; justify-content: space-between;"><div style="width: 80%;"><p>CAROLYN DYKES, individually and on behalf of all others similarly situated, Plaintiff, v. GATESTONE & CO. INTERNATIONAL INC., Defendant.</p></div><div style="width: 10%; text-align: center; font-size: 2em;">)</div></div>)	<p>Case Number: 18-CV-154-LO-MSN</p>
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Declaration of Brian L. Bromberg in Support of
Plaintiff's Motion for Preliminary Approval and Appointment as Class Counsel

Under 28 U.S.C. § 1746, I, Brian L. Bromberg, do hereby declare under penalty of perjury, that the following is true and correct:

1. I am a principal of the Bromberg Law Office, P.C.
2. I am submitting this Declaration in support of Plaintiff's motion for preliminary approval of the class-action settlement and appointment of class counsel.
3. The credentials and court decisions upon which I base my request for appointment as class counsel are as follows:
 4. I graduated from Oberlin College with a B.A. in Philosophy in 1987.
 5. I earned my J.D. from Brooklyn Law School in 1991.
 6. I am a member in good standing of the bars of the following state courts:

New York State Bar (Appellate Division, Second Department)
March 4, 1992

California Bar
July 17, 2006

New Jersey Bar
June 19, 2017

7. I am a member in good standing of the following federal courts:

U.S. District Court for the Southern District of New York
May 19, 1992

U.S. District Court for the Eastern District of New York
June 10, 1992

United States Court of Appeals for the Second Circuit
January 10, 2002

Supreme Court of the United States
August 4, 2003

U.S. District Court for the Northern District of Illinois
August 15, 2003

United States Court of Appeals for the Seventh Circuit
May 13, 2004

U.S. District Court for the Western District of New York
December 6, 2004

U.S. District Court for the Northern District of New York
January 4, 2005

U.S. District Court for the Northern District of Indiana
August 30, 2005

U.S. District Court for the District of Connecticut
March 3, 2006

U.S. District Court for the Northern District of California
August 7, 2006

U.S. District Court for the Central District of California

August 10, 2006

U.S. District Court for the Southern District of California
August 24, 2006

U.S. District Court for the Eastern District of California
August 29, 2006

U.S. District Court for the Western District of Wisconsin
May 14, 2008

United States Court of Appeals for the Third Circuit
August 12, 2009

United States Court of Appeals for the Fourth Circuit
April 11, 2011

United States Court of Appeals for the Eleventh Circuit
August 19, 2011

U.S. District Court for the Southern District of Indiana
November 16, 2015

U.S. District Court for the Southern District of Texas
January 19, 2017

U.S. District Court for the District of Colorado
April 20, 2017

U.S. District Court for the District of New Jersey
July 6, 2017

U.S. District Court for the Eastern District of Missouri
June 28, 2018

7. I have been admitted pro hac vice to the following courts:

U.S. District Court for the Southern District of Florida

U.S. District Court for the District of Maryland

U.S. District Court for the District of Minnesota

U.S. District Court for the District of Nevada

U.S. District Court for the Southern District of Ohio

U.S. District Court for the Eastern District of Pennsylvania

U.S. District Court for the Western District of Pennsylvania

U.S. District Court for the Eastern District of Virginia

Background and Qualifications

8. From 1991 until October 2001, I was employed by the law office of Peter Marc Stern in New York, New York.

9. In October 2001, I started my own practice, Bromberg Law Office, P.C., f/k/a Brian L. Bromberg, P.C., concentrating in the field of consumer protection law.

10. I have experience in the fields of commercial litigation, bankruptcy, real estate, landlord/tenant law, trusts and estates, and criminal law.

11. I now focus my practice on representation of consumers in consumer rights litigation and class actions.

12. I am a member of the following professional organizations:

Federal Bar Council
National Association of Consumer Advocates
Association of Small Claims Court Arbitrators

13. In November 2014, I was elected to the Board of Directors of the National Association of Consumer Advocates (NACA); in 2017, I was reelected to the same position.

14. With over 1,700 members, NACA is the premier membership organization for consumer-protection attorneys in the United States.

15. In November 2015, I was elected Treasurer of NACA; in 2017, I was reelected to the same position.

16. I am the principal author of an amicus curiae brief filed on behalf of AARP and NACA in the case of *Naposki v. The First National Bank of Atlanta d/b/a Wachovia Bank Card Services, and Wachovia Corporation*, New York Supreme Court, Appellate Division, Second Department, Appellate Case No. 2002-02506.

17. On behalf of NACA, I also helped prepare an amicus curiae brief submitted (on October 6, 2006) to the New York Court of Appeals by NACA and 12 other non-profit legal services and public interest organizations, in the case entitled *Merscorp, Inc. v. Romaine*. I have assisted in the preparation of other amicus briefs that affect consumers' rights.

18. I am experienced in trial and appellate court litigation and have the following reported cases, among others:

Gonzalez-Vasquez v. Mayors Auto Group-Woodside, LLC, 60 Misc.3d 1211(A) (S.Ct., Bronx Cty 2018)

Ruane v. Bank of America, N.A., 308 F.Supp.3d 718 (E.D.N.Y. 2018)

Biber v. Pioneer Credit Recovery, Inc., 2018 WL 1633603 (E.D.Vir. Jan. 31, 2018)

Ross v. Convergent Outsourcing, Inc., 323 F.R.D. 656 (D.Co. 2018)

Moukengeschaie v. Eltman, Eltman & Cooper, P.C., 2017 WL 4404433 (E.D.N.Y. Sept. 29, 2017)

Dixon v. A Better Way Wholesale Autos, Inc., 692 Fed.Appx. 664 (2d Cir. 2017) (summary order)

Franco v. A Better Way Wholesale Autos, Inc., 690 Fed.Appx. 741 (2d Cir. 2017) (summary order)

Eades v. Kennedy, PC Law Offices, 2016 6988913 (W.D.N.Y. Nov. 22, 2016)

McCrobie v. Palisades Acquisition XVI, LLC, 664 Fed.Appx. 81 (2d Cir. 2016)
(summary order)

White v. Fein, Such and Crane, LLP, 2016 WL 6493415 (W.D.N.Y. Nov. 1, 2016)

Annunziato v. Collecto, Inc., 207 F.Supp.3d 249 (E.D.N.Y. 2016)

Godson v. Eltman, Eltman & Cooper, PC, 177 F.Supp.3d 803 (W.D.N.Y. 2016)

Godson v. Eltman, Eltman & Cooper, PC, 2015 WL 9434228 (W.D.N.Y. Dec. 22, 2015)

Godson v. Eltman, Eltman & Cooper, PC, 2015 WL 5784908 (W.D.N.Y. Sept. 30, 2015)

Hallmark v. Cohen & Slamowitz, LLP, 2015 WL 4483959 (W.D.N.Y. July 22, 2015)

Dykes v. Portfolio Recovery Associates, LLC, 111 F.Supp.3d 739 (E.D. Virginia 2015)

Eades v. Kennedy, PC Law Offices, 799 F.3d 161 (2d Cir. 2015)

Dykes v. Portfolio Recovery Associates, LLC, 306 F.R.D. 529 (E.D. Virginia 2015)

Hallmark v. Cohen & Slamowitz, LLP, 307 F.R.D. 102 (W.D.N.Y. 2015)

Sickler v. Colvin, 2015 WL 1600320 (S.D.N.Y. Apr. 9, 2015)

Annunziato v. Collecto, Inc., 304 F.R.D. 165 (E.D.N.Y. 2015)

Hallmark v. Cohen & Slamowitz, LLP, 304 F.R.D. 165 (W.D.N.Y. 2015)

Kalkstein v. Collecto, Inc., 304 F.R.D. 114, 2015 WL 59246 (E.D.N.Y. Jan. 2, 2015)

Clarke v. Hudson Valley Federal Credit Union, 2014 WL 6791184 (S.D.N.Y. Dec. 2, 2014)

DeJesus v. City of New York, 55 F.Supp.3d 520 (S.D.N.Y. Oct. 28, 2014)

Hallmark v. Cohen & Slamowitz, LLP, 302 F.R.D. 295 (W.D.N.Y. 2014)

Hallmark v. Cohen & Slamowitz, LLP, 2014 WL 2028426 (W.D.N.Y. Sept. 15, 2014)

Stinson v. Delta Management Associates, Inc., 302 F.R.D. 160 (S.D. Ohio 2014)

Hallmark v. Cohen & Slamowitz, LLP, 300 F.R.D. 110 (W.D.N.Y. 2014)

Annunziato v. Collecto, Inc., 2014 WL 1410255 (E.D.N.Y. April 12, 2014)

Torres v. Toback, Bernstein & Reiss LLP, 2014 WL 988480 (E.D.N.Y. Mar. 14, 2014) (report and recommendation), adopted in part, rejected in part, Torres v. Toback, Bernstein & Reiss LLP, 2014 WL 1330957 (E.D.N.Y. Mar. 31, 2014)

Kelen v. World Financial Network National Bank, 295 F.R.D. 87 (S.D.N.Y. 2013)

Hallmark v. Cohen & Slamowitz, LLP, 293 F.R.D. 410 (W.D.N.Y. 2013), reconsideration denied, 2014 WL 51322 (Jan. 8, 2014)

Godson v. Eltman, Eltman & Cooper, PC, 2013 WL 4832715 (W.D.N.Y. Sept. 11, 2013)

Castro v. Green Tree Servicing, LLC, 959 F.Supp.2d 698 (S.D.N.Y. 2013).

Annunziato v. Collecto, Inc., 293 F.R.D. 329 (E.D.N.Y. 2013)

Rubinstein v. Department Stores Nat. Bank, 955 F.Supp.2d 260 (S.D.N.Y. 2013)

Taub v. Department Stores Nat. Bank, 950 F.Supp.2d 698 (S.D.N.Y. 2013)

Lee v. Forster & Garbus LLP, 926 F.Supp.2d 482 (E.D.N.Y. 2013)

Linsley v. FMS Investment Corp., 288 F.R.D. 11 (D.Conn. 2013)

Easterling v. Collecto, Inc., 692 F.3d 229 (2d Cir. 2012)

Dashiell v. Van Ru Credit Corp., 283 F.R.D. 319 (E.D. Virginia 2012)

Phillips v. City of New York, 871 F.Supp.2d 200 (E.D.N.Y. 2012)

Castro v. Green Tree Servicing LLC, 2012 WL 2428190 (S.D.N.Y. June 22, 2012)

Hallmark v. Cohen & Slamowitz, LLP, 283 F.R.D. 136 (W.D.N.Y. 2012)

Torres v. Toback, Bernstein & Reiss LLP, 278 F.R.D. 321 (E.D.N.Y. 2012)

Ellis v. General Revenue Corp., 274 F.R.D. 53 (D. Conn. 2011), motion to certify appeal denied, 2011 WL 2669155 (D. Conn. July 6, 2011), and leave to appeal denied, 2011 WL 3490271 (2d Cir. Aug. 9 2011)

Hess v. Cohen & Slamowitz LLP, 637 F.3d 117 (2d Cir. 2011)

Rubinstein v. Department Stores National Bank, 2011 WL 147721 (S.D.N.Y. Jan. 11, 2011)

Cunningham v. Electronic Data Systems Corp., 754 F. Supp. 2d 638 (S.D.N.Y. 2010)

Follman v. World Financial Network National Bank, 721 F. Supp. 2d 158 (E.D.N.Y. 2010)

Taub v. Big M, Inc., 719 F. Supp. 2d 325 (S.D.N.Y. 2010)

Lemire v. Wolpoff & Abramson, LLP, 2010 WL 1444581 (D. Conn. April 9, 2010)

Tobey v. National Action Financial Services, Inc., 2009 WL 3734320 (E.D.N.Y. Nov. 4, 2009)

Miller v. Upton, Cohen & Slamowitz, 579 F. Supp. 2d 189 (E.D.N.Y. Oct. 5, 2009)

Lemire v. Wolpoff & Abramson, LLP, 256 F.R.D. 321 (D. Conn. 2009)

Larsen v. JBC Legal Group, P.C., 588 F. Supp. 2d 360 (E.D.N.Y. 2008)

Larsen v. JBC Legal Group, P.C., 533 F. Supp. 2d 290 (E.D.N.Y. 2008)

Santoro v. Aargon Agency, Inc., 252 F.R.D. 675 (D. Nev. 2008)

Francis v. A&E Stores, Inc., 2008 WL 46129858 (S.D.N.Y. Oct. 16, 2008) (adopting report and recommendation, as modified), and 2008 WL 2588851 (S.D.N.Y. June 26, 2008) (report and recommendation)

Bowens v. Atlantic Maintenance Corp., 2008 WL 704319 (E.D.N.Y. March 14, 2008)

Simon v. Williams & Fudge, Inc., 2008 WL 268294 (S.D.N.Y. Jan. 28, 2008)

Ingram v. Coach USA, Inc., 2008 WL 281224 (D.N.J. Jan. 28, 2008)

Henry v. Westchester Foreign Autos, Inc., 522 F. Supp. 2d 610 (S.D.N.Y. 2007)

Meselson v. Lerman, 485 F. Supp. 2d 215 (E.D.N.Y. 2007)

Ayzelman v. Statewide Credit Services Corp., 242 F.R.D. 23 (E.D.N.Y. 2007)

Ayzelman v. Statewide Credit Services Corp., 2006 WL 3388651 (E.D.N.Y. Nov. 21, 2006)

Bourlas v. Davis Law Associates, 237 F.R.D. 345 (E.D.N.Y. 2006)

Trevino v. ACB American, Inc., 2006 WL 391797 (N.D. Cal. Feb. 17, 2006)

Trevino v. ACB American, Inc., 232 F.R.D. 612 (N.D. Cal. 2006)

Lawrence v. Borah, Goldstein, Altschuler, Schwartz & Nahins, P.C., 2005 WL 2875383 (S.D.N.Y. Nov. 1, 2005)

Naposki v. First Nat. Bank of Atlanta, 18 A.D.3d 834, 797 N.Y.S.2d 99 (2d Dept. 2005)

Burns v. First American Bank, 2005 WL 1126904 (N.D. Ill. April 28, 2005)

Weniger v. Arrow Financial Services, LLC, 2004 WL 2980646 (N.D. Ill. Dec. 21, 2004)

Weniger v. Arrow Financial Services, LLC, 2004 WL 2609192 (N.D. Ill. Nov. 17, 2004)

Jacobs v. ABN-Amro Bank N.V., 2004 WL 869557 (E.D.N.Y. April 21, 2004)

Bracken v. Harris & Zide, L.L.P., 219 F.R.D. 481 (N.D. Cal. 2004)

McDowall v. Leschack & Grodensky, P.C., 279 F. Supp. 2d 197 (S.D.N.Y. 2003)

McDowall v. Cogan, 216 F.R.D. 46 (E.D.N.Y. 2003)

Miller v. Wolpoff & Abramson, LLP, 471 F. Supp. 2d 243 (E.D.N.Y. 2007)

Miller v. Wolpoff & Abramson, LLP, 321 F.3d 292 (2d Cir. 2003)

Trang v. HSBC Mortgage Corp., NYLJ, April 17, 2002, p. 28, col. 3

Mailloux v. Arrow Financial Services, LLC, 204 F.R.D. 38 (E.D.N.Y. 2001)

Mailloux v. Arrow Financial Services, LLC, 2002 WL 246771 (E.D.N.Y. Feb. 21, 2002)

19. I am also experienced in consumer fraud class action litigation and have participated in the following filed cases, among many others:

Ayzelman v. Statewide Credit Services Corp., EDNY, Case No. 04-CV-3732 (statewide New York FDCPA settlement class certification of 624 members; settlement approved)

Beaubrun v. Eric Streich, P.C., EDNY, Case No. 06-CV-6598 (statewide New York FDCPA settlement class certification of 1,572 members; settlement approved)

Biber v. Pioneer Credit Recovery, Inc., E.D.Vir., Case No. 16-CV-804 (nationwide FDCPA settlement class certification of 217,815 members; settlement approved)

Bourlas v. Davis Law Associates, EDNY, Case No. 05-CV-4548 (statewide New York FDCPA settlement class certification of 2,834 members; settlement approved)

Bracken v. Harris & Zide, L.L.P., N.D.Cal., Case No. C 02-5146 (statewide California FDCPA settlement class certification of 3,534 members; settlement approved)

Cinelli v. MCS Claim Services, Inc., EDNY, Case No. 04-CV-3809 (statewide New York FDCPA settlement class certification of 2,112 members; settlement approved)

Dashiell v. Van Ru Credit Corp., E.D.Virginia, Case No. 12-CV-273 (statewide Virginia FDCPA settlement class certification of 65 members; settlement approved)

DePrisco v. MCS Claim Services, Inc., EDNY, Case No. 03-CV-1642
(statewide New York FDCPA settlement class certification of
5,471 members; settlement approved)

Eason v. AFNI, Inc., D. Md., Case No. 08-CV-128
(Maryland FDCPA class action certified through motion; class of
approximately 63,000 members; settlement approved)

Easterling v. Collecto, Inc., W.D.N.Y., Case No. 09-CV-669 (statewide
New York FDCPA settlement class certification of 181 members;
settlement approved)

Frank v. Sontag & Hyman, P.C., EDNY, Case No. 03-CV-6031
(statewide New York FDCPA settlement class certification of
4,809 members; settlement approved)

Jacobs v. Law Offices of Mitchell N. Kay, EDNY, Case No. 02-CV-1062
(nationwide FDCPA settlement class certification of 97
members; settlement approved)

Jasper v. Account Control Technology, Inc., E.D.Virginia, Case No. 13-
CV-296 (FDCPA settlement class certification; settlement
approved)

Lawrence v. Borah, Goldstein, Altschuler, Schwartz & Nahins, P.C.,
SDNY, Case No. 04-CV-3066(JCF)(statewide New York FDCPA
settlement class certification of 7,150 members; settlement
approved)

Lewis v. Northeast Credit & Collections, Inc., SDNY, Case No. 07-CV-
11593(SCR) ((statewide New York FDCPA class action certified
through motion, class of over 6,000 members; settlement
approved)

Mailloux v. Arrow Financial Services, EDNY, Case No. 01-CV-2000
(statewide New York FDCPA settlement class certification of
554 members; settlement approved)

McDowall v. Cogan, EDNY, Case No. 03-CV-419 (statewide New York
FDCPA settlement class certification of 593 members;
settlement approved)

Meselsohn v. Lerman, EDNY, Case No. 06-CV-4115 (statewide New
York FDCPA settlement class certification of 2,384 members;
settlement approved)

Miller v. Berks Credit & Collections, Inc., EDNY, Case No. 02-CV-3633 (statewide New York FDCPA settlement class certification of 2,354 members; settlement approved)

Milo v. Barneys, Inc., SDNY, Case No. 10-cv-3133 (TILA settlement class certification of 1,500 class members; settlement approved)

Mitchell v. Surpas Resource Corporation, SDNY, 01-CV-7230-WP (state-wide New York FDCPA settlement class certification of over 6,000 members; settlement approved)

Morris v. CACH, LLC, D.Nev., 13-CV-270 (statewide Nevada FDCPA settlement class certification of over 1,000 members; settlement approved)

Napoleon v. Pugh, N.D.Cal., Case No. C 02-5149 (statewide California FDCPA settlement class certification of 9,278 members; settlement approved)

Richman v. Carol Wright Promotions, Inc., Supreme Court, Queens County, Index No. 26824/02 (nationwide consumer fraud settlement class certification of approximately 5 million members; settlement approved)

Rubinstein v. Department Stores National Bank, S.D.N.Y., Case No. 08-CV-1596 (nationwide TILA settlement class certification of approximately 30 million class members; settlement approved)

Santoro v. Aargon Agency, Inc., D.Nev., Case No. 07-cv-1003 (statewide Nevada FDCPA class certified through motion; class of approximately 10,000 members)

Schwartz v. GE Capital Consumer Card Co., EDNY, Case No. 06-CV-394 (nationwide TILA settlement class certification of 237,748 members; settlement approved)

Stinson v. Delta Management Associates, Inc., S.D. Ohio, Case No. 13-CV-238 (FDCPA settlement class certification; settlement approved)

Strubel v. Talbots Classics National Bank, S.D.N.Y., Case No. 13-CV-1106 (TILA settlement class certification; settlement approved)

Tinsley v. Kay, EDNY, Case No. 04-CV-2253 (statewide New York
FDCPA settlement class certification of 53,907 members;
settlement approved)

Trang v. HSBC Mortgage Corp., Supreme Court, Queens County,
Index No. 21810/01 (violations of NYS General Business Law §
349 & Real Property Law § 274-a; statewide New York
settlement class certification of over 14,000 members;
settlement approved)

20. In addition, I served on the National Association of Consumer
Advocates Class Action Guidelines Revision Committee. The Committee revised the
1997 NACA Guidelines for Litigating and Settling Consumer Class Actions, 176
F.R.D. 375 (1998). The revised Guidelines, Nat'l Ass'n of Consumer Advocates,
Standards and Guidelines for Litigating and Settling Consumer Class Actions (rev.
2006), were adopted and published at 255 F.R.D. 215 (2d ed. 2006). (The Guidelines
have recently been revised a third time, but I was not involved in that revision.)

21. From 2007-2009 and from 2012-2014, I served on the Consumer Affairs
Committee of the Association of the Bar of the City of New York.

22. From 2009-2012, I served on the Civil Courts Committee of the
Association of the Bar of the City of New York.

23. I have spoken to the public about consumer-protection issues and
lobbied Congress concerning consumer-protection issues and spoken at a press
conference in support of a bill introduced in Congress to provide consumers with
more information and give them greater protection when they use credit cards.

24. I have testified concerning debt-collection abuse before the New York
City Department of Consumer Affairs and the New York State General Assembly
Committee on Consumer Affairs and Protection.

25. I lectured at National Consumer Law Center (NCLC) and National Association of Consumer Advocates (NACA) conferences in November 2006, March 2007, September 2007, November 2007, March 2008, May 2008, February 2009, March 2010, November 2010, March 2011, November 2011, February 2012, March 2014, March 2015, March 2016, March 2017, April 2017, and March 2018. In addition, I will be lecturing next month at the annual NCLC Conference in Denver about the Electronic Fund Transfer Act, 15 U.S.C. § 1693, et seq.

26. I have also spoken on consumer-law issues at the Association of the Bar of the City of New York, the New York County Lawyers Association, the Suffolk County Bar Association, the Association of Small Claims Court Arbitrators, and New York Law School.

27. In December 2009, I participated in a Federal Trade Commission Debt Collection Roundtable.

28. In February 2010, MFY Legal Services, Inc. (recently renamed “Mobilization for Justice”) honored me for my work on consumer rights with a Partner in Justice Award, “in recognition of exemplary pro bono service and commitment to ensuring equal access to justice for all.”

29. In April 2012, I was invited to speak about “Class Action Developments and Settlements” at the premier class-action-defense-bar conference: Practising Law Institute’s “17th Annual Consumer Financial Services Institute in NYC.”

30. In July 2013, I was invited to speak again on a Practising Law Institute panel for a program entitled “Representing the Pro Bono Client: Consumer Law Basics 2013.

31. In November 2016, I was invited to speak on a panel of attorneys at New York Law School about the Consumer Financial Protection Bureau’s anticipated rules prohibiting the class-action waivers in arbitration clauses in consumer contracts and requiring the reporting of detailed records concerning the results of consumer-arbitration proceedings. (Shortly thereafter, the rules were promulgated by the CFPB, but they were overturned by Congress under the Congressional Review Act.)

32. In addition, although not related to consumer-finance issues, I have frequently served as pro bono amicus counsel on behalf of food-policy organizations attempting to address issues concerning obesity and nutritional labelling.

33. In connection with this case, Thomas R. Breeden, Esq., and I have developed a close working relationship with Plaintiff in connection with this and several other cases over the years.

34. Therefore, we are particularly well-suited to working with her on class actions.

35. Furthermore, in preparing the complaint and negotiating and preparing the settlement documents, we have carefully examined the case law and various issues involved in litigating this case.

36. Finally, Mr. Breeden and I are, so far as we know, the only lawyers litigating class actions in Virginia under the Fair Debt Collection Practices Act and getting the cases certified.

37. Because there are no lawyers better-suited to represent the interests of the class, Mr. Breeden and I request appointment under Fed. R. Civ. P. 23(g) as part of the preliminary approval of the settlement.

Under 28 U.S.C. § 1746, I, Brian L. Bromberg, do hereby certify under penalties of perjury, that the above statements are true and correct to the extent they reflect my personal knowledge and otherwise are based upon my information and belief.

Dated: New York, New York
October 5, 2018

/s/ Brian L. Bromberg
Brian L. Bromberg